

CATEGORICAL EXCLUSION DOCUMENTATION

CX No. DOI-BLM-ID-B011-2015-0005-CX

A. BACKGROUND

BLM Office: Morley Nelson Snake River Birds of Prey National Conservation Area (NCA)

Lease/Serial/Case File No.:

Proposed Action Title/Type: Slickspot Peppergrass Ecological Reference Area Enclosure

Location of Proposed Action: Township 01S Range 03E Sec. 28, 29, 32-33

Description of Proposed Action: The Bureau of Land Management is proposing to construct a 160 acre enclosure, MA Bravo-4, to protect slickspot peppergrass. The need of the proposed action is to comply with requirements of the 2006 (as amended in 2009) Slickspot Peppergrass Conservation Agreement (CA) between the U.S. Bureau of Land Management (BLM) and the Idaho State Office U.S. Fish and Wildlife Service-Snake River Fish and Wildlife Office (USFWS). Specifically, the Special Status Animal and Plant section for BLM Implementation Actions 1(c)(i) requires the BLM to: “Establish permanent ecological reference areas (ERAs) in selected elemental occurrences (EOs) to evaluate land health conditions associated with slickspot peppergrass.” The objectives would be to:

- Protect portions of known slickspot peppergrass element occurrences and their associated habitat.
- Comply with section 1(c)(i) of the CA.
- Minimize impacts to other resources and permitted activities where possible.

The enclosure would be constructed of metal posts, with 3 strands of barbed wire (upper and middle strands) and one bottom strand of smooth wire, in accordance with Boise District wildlife protection standards for fence construction. Cross-country vehicle travel would be minimized and would only occur when soils are dry. Vegetation removal along the fenceline would be minimized. The intention of the enclosure would be to eliminate grazing from the enclosure and protect known slickspot peppergrass element occurrences and their associated habitat. Because of the small size of the enclosure relative to the affected grazing allotments, no adjustments would be made to livestock permits.

B. LAND USE PLAN CONFORMANCE

This proposed Action is subject to the following land use plan:

Date Plan Approved: Snake River Birds of Prey National Conservation Area Resource Management Plan/Record of Decision (RMP/ROD) September 2008.

The proposed action is in conformance with the land use plan (LUP), even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

1.6.5.2 Vegetation-The population size and habitat quality of special status plants would be maintained and/or increased.

Appendix 7. Slickspot peppergrass conservation measures from the 2003 CCA

The proposed action would comply with the following laws and regulations:

- Taylor Grazing Act (TGA) of 1934
- Federal Land Policy and Management Act (FLPMA) of 1978
- Public Rangeland Improvement Act (PRIA) of 1978
- Endangered Species Act (ESA) of 1973 as amended
- Section 106 of the National Historic Preservation Act (NHPA), 1966, as amended
- Public Law 103-64 (16 USC 460iii-2; Stat. 304) Establishment of NCA
- Omnibus Public Land Management Act of 2009

C: COMPLIANCE WITH NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9 (J) (9).

Category Description: Construction of small protective enclosures, including those to protect reservoirs and springs and those to protect small study areas.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances that would introduce potential effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

The following list of Extraordinary Circumstances (516 DM 2, Appendix 2) was considered:

1. Have significant impacts on public health or safety.

Comments/Explanation: No, the Proposed Action would not have any significant impacts to public health or safety.

Specialist Signature/Date: /s/ *Matt McCoy*, Asst. Field Manager, 9/16/2015

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; or ecologically significant or critical areas, or is not in compliance with the Fish and Wildlife Coordination Act.

Comments/Explanation: No, the proposed enclosure is in the Morley Nelson BOPNCA and construction would be in compliance with existing NCA regulation. Construction would be in compliance with guidance established in both the 2006 CCA (State of Idaho) and the 2009 CA (USFWS). Construction of the enclosure would provide additional protection to existing slickspot peppergrass plants and associated slickspot peppergrass habitat. The proposal would not affect any other natural resources or unique geographic characteristics. Construction of the facility would provide additional protection to existing slickspot peppergrass plants and the adjacent slickspot peppergrass habitat.

Specialist Signature/Date: /s/ *Mark Steiger*, Botanist, FRFO 9/16/2015

Riparian Areas, Wetlands, and Water Quality

Comments/Explanation: No natural wetlands or flowing water sources are present within the project area.

Specialist Signature/Date: /s/ *J. Allen Jarter*, NRS, FRFO

3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].

Comments/Explanation: No, the proposed enclosure would not have controversial environmental effects or involve unresolved conflicts.

Specialist Signature/Date: /s/ *Matt McCoy*, Asst. Field Manager, 9/16/2015

4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.

Comments/Explanation: No, construction of the enclosure would not have uncertain or potentially significant environmental effects or involve unique or unknown environmental risks. Construction would be in compliance with guidance established in both the 2006 CCA (State of Idaho) and the 2009 CA (USFWS).

Specialist Signature/Date: /s/ *Matt McCoy*, Asst. Field Manager, 9/16/2015

5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.

Comments/Explanation: No, this proposal would not establish a precedent for future actions. Any new proposals would be evaluated on their own merit. There are no connected actions with this proposal.

Specialist Signature/Date: /s/ *Seth Flanigan* 9/15/2015

6. Have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.

Comments/Explanation: No, the proposed enclosure will not have a direct relationship to other actions with individually insignificant, but cumulatively significant environmental effects.

Specialist Signature/Date: /s/ *Matt McCoy*, Asst. Field Manager, 9/16/2015

7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places as determined by either the bureau or office.

Comments/Explanation: No, a records search of the BLM Archaeological Database indicated that a Class II Cultural Resource Survey of the area was previously conducted by the Idaho Army National Guard Archaeological Survey Crew. The survey revealed that the proposed enclosure would not impact cultural resource sites that are listed or eligible to be listed on the National Register of Historic Places.

Specialist Signature/Date: *Dean C. Shaw* 9/15/2015

8. Have significant impacts on species listed or proposed to be listed on the List of Endangered or Threatened Species, or on designated Critical Habitat for these species.

Comments/Explanation: No, the proposed enclosure would be established around segments of known slickspot peppergrass EOs to protect these areas from the effects of livestock grazing. This action would be in accordance with the 2006 (as amended in 2009) Conservation Agreement between BLM and the USFWS.

Plants Specialist Signature/Date: /s/ *Mark Steiger*, Botanist, FRFO 9/16/2015

Comments/Explanation: No, Some of the enclosure fall within the Morley Nelson Birds of Prey National Conservation Area. This area was set aside for the protection of the birds and habitat to help maintain raptor populations. New fences poise the risk of raptor strikes into the fence line. Vinyl reflectors would be placed on the fenceline in accordance with district fence marking guidelines for wildlife which should increase visibility for raptors so fence collisions are reduced. All enclosure fences would be marked with vinyl reflectors for the benefit of both raptors and wintering sage-grouse in those areas in which they are known to occur.

Wildlife Specialist Signature/Date: /s/ *Joey Weldon*, Wildlife Biologist, FRFO 9/16/2015

9. Violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

Comments/Explanation: No, the proposed enclosure will not violate federal, state, local or tribal law or requirement imposed for the protection of the environment.

Specialist Signature/Date: *Dean C. Shaw* 9/15/2015

10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

Comments/Explanation: No, the proposed enclosure will not have a disproportionately high and adverse effect on low income or minority populations.

Specialist Signature/Date: /s/ *Seth Flanigan* 9/15/2015

11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

Comments/Explanation: No, the construction of the enclosure would not limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.

Specialist Signature/Date: *Dean C. Shaw* 9/15/2015

12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

Comments/Explanation: No, the proposed project would not contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of species. No ground-disturbing activities would take place.

Noxious Weeds Specialist Signature/Date: *Lonnie Huter* 9/16/2015

D: SIGNATURE

I certify that none of the Departmental exceptions (Extraordinary Circumstances) listed in the above Part II (516 DM 2, Appendix 2) apply to this action; therefore, this categorical exclusion is appropriate for this situation.

Authorizing Official:

/s/ *Tate Fischer*

Field Manager
Four Rivers Field Office

Prepared By/Contact Person: Craig Carpenter, Biological Science Technician